

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

PivotHealth Holdings, LLC,
Plaintiff,

V

Lucas Horton
Defendant.

§
§
§
§
§
§
§

Case No: CV-24-01786-PHX-MTL

PLAINTIFF'S RESPONSE TO PLAINTIFF'S MOTION FOR SANCTIONS

Unfortunately, *Healthcare Inc., et al., v. Robert Doyle* is similar to this situation only in that it involves the TCPA. In that case, it was later found that Doyle had opted in to be called by the company, HCIS. It was also determined that the calls he received had been dialed by a person and not an ATDS, rendering Doyle's complaint non-existent.

That is nothing like what occurred in this case. The Defendant didn't opt in to the call he received, and it was not proven that they were dialed by a human either. Here, as a result of illegal robocalls made on behalf of the Plaintiff, the Defendant purchased one of their policies and:

- His credit card was charged by the Plaintiff.
- He received welcome emails from the Plaintiff's web domain.
- He received a policy manual packet with, "Marketed by PivotHealth" dominantly displayed on the top of the cover page.
- He was sent a link to create a profile in the "Pivot Health Member Portal" by the Plaintiff.
- He was sent an ID card with Pivot's name and number on it.

- If you google the number on the Plaintiff's credit card bill, the Defendant's Google business profile is returned.

None of this can be disputed. So, the Defendant had and still does have a legitimate TCPA case against Pivot Health.

However, during discovery, the Defendant realized there was no way he could continue with Pivot not being honest about their relationship with the company that made the calls. That, and the fact that the likely trial would be in Arizona, made it untenable to continue.

So, Pivot's claim that, "Horton's "jurisdictional" challenges here rest on his false allegation that Pivot did, in fact, violate the TCPA. Such a finding goes to the merits of Pivot's wrongful action civil action claim.", simply falls flat as there was no wrongful civil action because there is more than ample evidence that Pivot violated the TCPA.

Dated: 4/16/2025

Respectfully submitted,



Lucas Horton
lukeduke365@yahoo.co
m 1202 Stratford Dr
Richardson, TX 75080
Tel: (214) 909-3341
Plaintiff